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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,314	07/10/2003	Larry H. Capots	040092-007810US	4768

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EXAMINER

DONNELLY, ARTHUR D

ART UNIT	PAPER NUMBER
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3663

DATE MAILED: 07/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/618,314

Applicant(s)

CAPOTS ET AL.

Examiner

Arthur D Donnelly

Art Unit

3663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-25 and 27-45 is/are rejected.
- 7) ☒ Claim(s) 2,3 and 26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4-25 and 27-45 are rejected under 35 U.S.C. 102(b) as being anticipated by Lynch (6,002,916).

Lynch discloses a spacecraft network, the network comprising a first server spacecraft disposed in a first server orbit, a first client spacecraft disposed in a first client orbit, a wireless local area network formed between at least the first server spacecraft and the first client spacecraft, the wireless local area network comprising at least one communication channel to transmit and receive spatial information between at least the first server spacecraft and the first client spacecraft, the spatial information indicative of at least a first server position and a first server orientation of the first server spacecraft and a first client position and a first client orientation of the first client spacecraft, at least one receiver to receive a first communication signal including at least routing information, the routing information including at least a destination spacecraft as a destination of the first communication signal, at least one routing system to determine a desired route from a plurality of routes to transmit the first communication signal to the destination spacecraft, each of the plurality of routes corresponding to a plurality of path spacecrafts, at least one transmitter to transmit the

first communication signal based upon the desired route and the spatial information of the plurality of path spacecrafts of the desired route, wherein the first client spacecraft is free from the at least one routing system, the first server spacecraft includes one of the at least one routing system (Column 2 lines 16-46);

wherein the first server spacecraft receives the first communication signal from the first client spacecraft (Column 2 lines 52-60);

wherein the destination spacecraft is a second client spacecraft, the second client spacecraft being free from the at least one routing system (Column 3 lines 56-60);

wherein the second client spacecraft is the same as the first client spacecraft (Column 2 lines 35-37);

wherein the second client spacecraft is different from the first client spacecraft (Column 3 lines 3-5);

wherein the first communication signal provides data to the destination spacecraft (Column 7 lines 19-24);

wherein the first communication signal provides an energy to the destination spacecraft, the destination spacecraft using the energy as a power source (Column 6 lines 37-40);

wherein the first server spacecraft is operable to manage the first communication signal between the first client spacecraft and a ground terminal (Column 2 lines 16-26);

wherein the ground-based network is the Internet (Column 4-14).

Allowable Subject Matter

Claims 2, 3 and 26 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur Donnelly whose telephone number is (703) 305-0215. The examiner can normally be reached on Monday -Thursday on the first and third weeks of the month and from Monday - Friday on the second and forth weeks of the month from 8:00 a.m. to 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black, can be reached on (703) 305-9707. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

add
July 2, 2004


THOMAS G. BLACK
SUPERVISORY PATENT EXAMINER
GROUP 3600